

**Amendment and Response**

Applicant: Douglas G. Dunlap

Serial No.: 09/873,653

Filed: June 4, 2001

Docket No.: 10002842-1

Title: PRINTER SELECTION SYSTEM AND METHOD**REMARKS**

The following Remarks are made in response to the Non-Final Office Action mailed May 19, 2005, in which claims 1-29 were rejected. With this Amendment, claims 1, 2, 14, 19, and 20 have been cancelled without prejudice, and claims 3, 4, 8-13, 15, 17, 18, 21, 22, and 25-28 have been amended. Claims 3-13, 15-18, and 21-29, therefore, remain pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103**

Claims 1-10, 12-17, and 19-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Fischer U.S. Patent No. 6,762,852.

With this Amendment, claims 1, 2, 14, 19, and 20 have been cancelled without prejudice. In addition, dependent claims 3-10 and 12-13 have been amended to depend directly or indirectly from rewritten independent claim 11, dependent claims 15-17 have been amended to depend directly or indirectly from rewritten independent claim 18, and dependent claims 21-27 have been amended to depend directly or indirectly from rewritten independent claim 28. The rejection of claims 1-10, 12-17, and 19-27 under 35 U.S.C. 102(e), therefore, is rendered moot.

Claims 1, 14, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Amarger et al. U.S. Patent Application Publication No. 2003/0035122. Claims 2 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amarger et al., as applied to claims 1 and 19, and further in view of Mitani U.S. Patent Application Publication No. 2003/0184791. Claims 11, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amarger et al. and Mitani, as applied to claims 2 and 20, and further in view of Mastie et al. U.S. Patent No. 6,515,756. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amarger et al., as applied to claim 14, and further in view of Mastie et al.

With this Amendment, claims 1, 2, 14, 19, and 20 have been cancelled without prejudice. The rejections of claims 1, 14, and 19 under 35 U.S.C. 102(e) and claims 2 and 20 under 35 U.S.C. 103(a), therefore, are rendered moot.

The earliest effective date of the Amarger et al. U.S. Patent Application Publication No. 2003/0035122 is January 10, 2001 which is prior to the filing date of June 4, 2001 of the

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present patent application. Accompanying this Amendment and Response is a Declaration of Prior Invention under 37 C.F.R. 1.131 to establish conception of the subject matter of the present patent application prior to the earliest effective date of January 10, 2001 of the Amarger et al. U.S. Patent Application Publication No. 2003/0035122 coupled with due diligence from just prior to the earliest effective date of the Amarger et al. publication up to the filing date of the present patent application (i.e., constructive reduction to practice). Applicant, therefore, respectfully requests consideration of the Declaration of Prior Invention under 37 C.F.R. 1.131.

In view of the above, Applicant submits that the Amarger et al. U.S. Patent Application Publication No. 2003/0035122 does not qualify as a reference under 35 U.S.C. 102(e) and, therefore, does not qualify as a reference under 35 U.S.C. 103(a). Applicant, therefore, respectfully requests that the rejection of claims 11, 18, 28, and 29 under 35 U.S.C. 103(a) be reconsidered and withdrawn and that claims 3-13, 15-18, and 21-29 be allowed.

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Title: PRINTER SELECTION SYSTEM AND METHOD**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 3-13, 15-18, and 21-29 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to either Nathan Rieth at Telephone No. (208) 396-5287, Facsimile No. (208) 396-3958 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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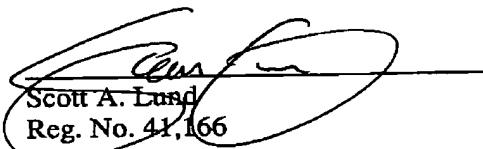
Respectfully submitted,

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**CERTIFICATE UNDER 37 C.F.R. 1.8:** The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on this 19<sup>th</sup> day of August, 2005.

By   
Name: Scott A. Lund